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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,719	10/30/2001	David Justin Ross	29094/14:2	2644
73552	7590	10/06/2008	EXAMINER	
Stolowitz Ford Cowger LLP			ZIA, SYED	
621 SW Morrison St				
Suite 600			ART UNIT	PAPER NUMBER
Portland, OR 97205			2131	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/003,719	ROSS, DAVID JUSTIN	
	Examiner	Art Unit	
	SYED ZIA	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-6 and 8-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

This office action is in response to application filed on June 30, 2008. Original application contained Claims 1-5. Applicant previously amended Claim 1, and added new Claims 6-15. Applicant previously amended Claims 1, 4-6, cancelled Claim 7, and added new Claims 16-21. Applicant currently amended Claims 1, 5-6; cancelled Claim 2. Therefore, Claims 1, 3-6, and 8-21 are pending for further consideration.

Response to Arguments

Applicant's arguments filed on June 30, 2008 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 3-6, and 8-21 applicants argued that the system of cited prior arts [Shapiro et al. (U. S. Patent 6,714,944).] does not teach “*verification engine for facilitating Authentication of the subject by presenting the one or more selected Queries to the subject via the authentication client*”. Applicant also argued that cited prior art does not teach, “*presenting predefined queries that require out-of-wallet data in the subject's answer*”.

This is not found persuasive. The system of cited prior art does teach and describe a database structuring method that involves permitting access to data record by person providing

identifier, so that candidate has power to grant third party access to data record by communicating identifier to third party. A data record with unique identifier, has verifiable components and query result, and is established relating to candidate's personal background data, in digital storage medium. The identifier is communicated to candidate and access to data record is permitted by person providing identifier, so that candidate has power to grant third party access to data record by communicating identifier to third party (col.4line 54 to col.8 line 40, and col.9 line 40 to col.10 line 65).

As a result, cited prior art does implement and teaches a system for remote user authentication employing information stored in multiple, independently controlled databases.

Applicants still have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent and subsequent dependent claims. Accordingly, rejections for Claims 1-16 are respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, and 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro et al. (U. S. Patent 6,714,944).

1. Regarding Claim 1 Shapiro teach and describe a user identity authentication system (summary and Fig.1-9) comprising:

an authentication client for requesting authentication of a subject; a user interface to receive the authentication request from the authentication client (col.6 line 20 to line 34);
multiple independently operated databases, each database storing out-of-wallet data associated with the subject, the associated information being accessible through predefined and at least one of the predefined queries requiring at least one item of out-of-wallet data in an answer to the query; queries to identify the subject, the predefined queries defined in advance by agreement with respective owners of each of the multiple independently operated databases (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

and a verification engine for facilitating authentication of the subject by receiving the authentication request, selecting one or more of the predefined queries, including at least one of the predefined queries that requires at least one item of out-of-wallet data in an answer to the query, presenting the one or more selected queries to the subject via the query, presenting the one or more selected queries to the subject via the authenticating client, receiving from the subject an answer to each of the one or more selected queries, and presenting the answer, including at least one item of out-of-wallet data, to the multiple independently operated

databases for a validation response (Fig.1-3, col.6 line 20 to col.7 line 3, and col.4 line 54 to col.6 line 19).

2. Regarding Claim 4 Shapiro teach and describe an authentication system (summary and Fig.1-9) comprising:

an authentication client for desiring authentication of an authentication subject (col.6 line 20 to line 34);

a plurality of independent database systems storing information identifying the authentication subject, the identifying information being accessible through predefined queries, the predefined queries defined in advance by agreement with the owners of each of the independent database systems (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

and a verification engine to receive from the authentication subject, via the authentication client, an answer to each of the predefined queries, to obtain from each of the plurality of independent database systems a corresponding authentication confidence for each answer, and to combine the corresponding authentication confidence for each answer into a combined authentication confidence Fig.1-3, col.6 line 20 to col.7 line 3, and col.4 line 54 to col.6 line 19).

3. Regarding Claim 5 Shapiro teach and describe user identity authentication method (summary and Fig.1-9)) comprising the steps of:

presenting to an authentication subject one or more predefined queries from each of multiple independent databases of identifying information (col.6 line 20 to line 34); receiving from the authentication subject an answer to each of the selected queries, the predefined queries defined in advance by agreement with owners of each of multiple independent databases, the multiple independent databases storing identifying information about the authentication subject; receiving from the authentication subject an answer to each of at least one of the predefined queries (Fig.1-3, col.6 line 20 to line 55, and col.4 line 54 to col.6 line 19);

presenting each answer to at least one of the multiple independent databases that has corresponding identifying information; obtaining from the multiple independent databases an authentication confidence level for each answer; and combining the authentication confidence level for each answer into a combined confidence level for authenticating the authentication subject (Fig.1-3, col.6 line 55 to col.7 line 3, and col.4 line 54 to col.6 line 19).

4. Regarding Claim 6 Shapiro teach and describe method of authenticating the putative identity of a subject who is an individual, the method (summary and Fig.1-9) comprising the steps of: negotiating a predetermined set of permitted types of queries with an owner of an independent remote, third-party database, the independent remote, third-party database including identifying information associated with the subject; providing a database interface for interacting with the independent, remote, third-party database without storing any significant portion of the third-party database locally, and wherein the interaction is limited to submitting a query among the predetermined set of permitted types of queries, and receiving from the third-party database a response to the permitted query; responsive to a request from a client to

authenticate the putative identity of the subject, forming a first query to elicit from the subject at least one item of information sufficient to form one of the permitted types of queries, and sending the first query to the subject via the client; receiving identifying information associated with the subject in response to first query to authenticate his identity, the received identifying information including at least one item of information sufficient to form one of the permitted types of queries; forming a permitted type of query based on the received identifying information; transmitting the formed query to the remote, third-party database; and receiving a response from the remote, third-party database wherein the database interface does not otherwise provide access to the remote, third-party database, so that privacy of the remote, third-party database content remains under control of its owner (Fig.1-3, col.6 line 20 to col.7 line 3, and col.4 line 54 to col.6 line 19).

4. Claims 3 and 8-21 are rejected applied as above rejecting Claims 1, and 4-6.

Furthermore, Shapiro teach and describe a system a method wherein:

As per Claim 3 further comprising a personal information database coupled to the verification engine, the personal information database containing in-wallet data identifying the subject (col.7 line 56 to col.8 line 40).

As per Claim 8, said receiving the identifying information associated with the subject transpires in a live interaction with the subject in person (col.9 line 41 to line 46).

As per Claim 9, receiving the identifying information associated with the subject is through a computer network (Fig.1-3, col.6 line 20 to line 34).

As per Claim 10, receiving the identifying information associated with the subject via the Internet (Fig.1-3, and col.3 line 26 to line 43, and col.6 line 20 to line 34).

As per Claim 11, the database interface enables interaction with multiple independent, remote, third-party databases without storing any significant portion of any of said databases locally, so that privacy of the remote, third-party database contents remain under control of their respective owners (col.7 line 36 to col.8 line 40, and col. 9 line 40 to col.10 line 65).

As per Claim 12, receiving responses from a plurality of the remote, third-party databases and assembling the responses from the multiple databases to form a result (col.12 line 14 to line 67).

As per Claim 13, the associated identifying information in the database includes out-of-wallet data associated with the subject (col.4 line 59 to col.6 line 19).

As per Claim 14, presenting a predetermined question to the subject; receiving an answer to the question; and forming the database query responsive to the answer received (col.7 line 16 to line 55).

As per Claim 15, forming a second question responsive to the response from the remote, third-party database; presenting the second question to the subject; and forming another database query responsive to the answer to the second question (col.7 line 56 to col.8 line 40).

As per Claim 16, the authentication client includes an electronic commerce site (col.4 line 59 to col.5 line 34).

As per Claim 17, the verification engine further facilitates authentication of the subject by: receiving the validation responses from each of the multiple independently operated databases, the validation responses including a match confidence; and determining an overall

authentication confidence based on each of the received match confidences (col.6 line 20 to col.7 line 55).

As per Claim 18, the authentication client includes an electronic commerce site (col.4 line 59 to col.5 line 34).

As per Claim 19, the information identifying the authentication subject includes out-of-wallet data identifying the authentication subject (col.6 line 20 to line 55).

As per Claim 20, the one or more predefined queries are presented to the authentication subject via an authenticating client (col.6 line 20 to line 55).

As per Claim 21, the identifying information includes out-of-wallet data identifying the authentication subject (col.6 line 20 to line 55).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ
September 1, 2008
/Syed Zia/
Primary Examiner, Art Unit 2131